SOUTHERN DISTRICT OF NEW YORK		
	X	
VINCENT DELUCA,	:	
Disingiff	:	Civil Core No. OC CXI 5474 (ICIV)
Plaintiff,	:	Civil Case No. 06-CV-5474 (JGK)
V.	:	
BANK OF TOKYO-MITSUBISHI UFJ, LTD.,	:	
Defendant.	:	
	: X	

## NOTICE OF MOTION FOR PROTECTIVE ORDER

PLEASE TAKE NOTICE THAT, upon the annexed Declaration of Dov Kesselman, dated July 3, 2007, and the exhibits annexed thereto, the annexed affidavit of Kyota Omori, sworn to on July 3, 2007, and the accompanying Memorandum of Law in Support of Defendant Bank of Tokyo-Mitsubishi UFJ, LTD.'s, ("BTMU") Motion for a Protective Order, and upon all of the papers and proceedings herein, BTMU will move this Court on a date and time to be set by the Court, before the Honorable Judge Kevin Fox, United States Magistrate Judge, at the United States Courthouse, United States District Court Southern District of New York, 500 Pearl Street, New York, New York, for an order: (1) precluding Plaintiff's demand to depose BTMU's Chief Executive Officer for the Americas, Mr. Kyota Omori, pursuant to Federal Rule of Civil Procedure 26(c); (2) awarding BTMU its costs, disbursements, and all legal fees; and (3) for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Rule 6.1 of the Local Rules of United States District Court for the Southern and Eastern Districts of New York, Plaintiff's opposition papers to BTMU's motion, if any, are to be served on the undersigned on

or before July 10, 2007 and BTMU's reply papers, if any, must be served no later than July 11, 2007.

Dated: New York, New York July 3, 2007

Respectfully submitted,

SEYFARTH SHAW LLP

By: s/ Dov Kesselman

Dov Kesselman (DK-6571) Gloria Galant (GG-2818) 1270 Avenue of the Americas, Suite 2500 New York, New York 10020 Telephone: (212) 218-5500 Fax: (212) 218-5526

Attorneys for Defendant Bank of Tokyo-Mitsubishi UFJ, Ltd.

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2007, the foregoing Notice of Motion for Protective Order; Declaration of Dov Kesselman, and the exhibits annexed thereto; the Affidavit of Kyota Omori; and the Memorandum of Law in Support of Defendant Bank of Tokyo-Mitsubishi UFJ, LTD.'s, Motion for a Protective Order, were filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following counsel of record for plaintiff:

John K. Weir, Esq. John K Weir Law Offices, L.L.C. 300 Park Avenue, Suite 1700 New York, New York 10022

s/ Dov Kesselman

Dov Kesselman (DK-6571)